

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Raymond Lane**
Docket No. **266877**
L.C. No. **96-139083-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED in this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Defendant is not asserting either newly discovered evidence or a retroactive change in the law. Regardless of the label placed on defendant's last pleading filed, he is asserting ineffective assistance of counsel during his direct appeal. As to that assertion, it was required to be placed in defendant's first motion for relief from judgment and then appealed to this Court if the trial court denied defendant relief. Defendant cannot file two motions for relief from judgment in the trial court and then file two applications for leave to appeal in this Court, and then finally assert on a third occasion that he was denied the effective assistance of counsel during his direct appeal, an issue that existed during the first motion for relief from judgment.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 11 2006

Date

Sandra Schultz Mengel
Chief Clerk